



STATE OF DELAWARE
DEPARTMENT OF AGRICULTURE
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MICHAEL T. SCUSE
SECRETARY

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Respondent:

Sposato Landscape Co. Inc.
16181 Hudson Road
Milton, DE 19968

Violations:

§1224(c)(1) –Operating in a faulty, careless, or negligent manner.

Penalty:

Respondent signed a consent agreement on January 2022. In the agreement, Respondent agrees to the imposition of disciplinary sanctions which included a civil penalty of \$700.00

STIPULATED FACTS

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1. Sposato Landscape Co. Inc. (“Respondent”) is a commercial pesticide applicator business with an office located at 16181 Hudson Road, Milton DE 19968. Respondent is licensed (License No. 761) by the Delaware Department of Agriculture (“the Department”). David A. Sposato is the Manager of Respondent and is certified by the Department as a commercial pesticide applicator (Cert. # 95-157), in Category 7.3, Ornamental and Turf Pest Control (03).
2. Respondent employs Dennis Willey. Mr. Willey is a certified applicator (04-867).
3. Respondent employs Cedric Hughes as a lawn care technician. Mr. Hughes is a registered service employee for Respondent. Mr. Harmon has been a registered service employee since 10/15/2019.
4. Respondent employs Tykeith Johnson as a lawn care technician. Mr. Johnson is not listed as registered service employee for Respondent. Mr. Johnson has been a registered

service employee since 4/12/2021.

5. The Pesticide Section of the Department (“Complainant”) is bringing this enforcement action against the Respondent. Dustin Borntreger, (“Borntreger”), is employed as an Environmental Scientist III with the Department.
6. On October 18th, 2021 the Department received a complaint call from a resident stating that their property had been treated accidentally by the Respondent. The resident stated that the applicators were supposed to be treating the common area of the neighborhood but had also treated her yard. Treatment signs were left in her front yard. The homeowner sent pictures of this sign to Borntreger.
7. Borntreger contacted Dennis Willey to obtain the EPA registration number for the homeowner and to collect application records for the treatments. Mr. Willey stated that the applicators were only supposed to treat the common area of the Saddle Ridge community, but they had in fact treated six yards along with the common area. Mr. Willey agreed to send the application records to Borntreger via email. A notice of inspection was emailed to Mr. Willey which he signed and returned with the records via email on October 22nd, 2021 at 4:00PM.
8. The application record dated October 13th, 2021, with “Job No.22400” lists Tykeith L. Johnson as the applicator who applied 540 gallons of 16-0-4 Fert. and Mec Amine-D at 36oz per 100-GAL, EPA Reg. No. 34704-239.
9. Mec-Amine -D, EPA Reg. No. 34704-239 is a registered pesticide in the State of Delaware. This product has the signal word of “Danger” on the EPA stamped label.
10. 601 Delaware Pesticide Rules and Regulations Section 4.2 Employee Registration 4.2.1 Licensees shall register with the Department all employees who handle pesticides. Registration shall be made when making an application for a license or within 45 days after employment. The fee for registering an employee shall be \$25.00. However, the employee registration fee shall be waived if the employee is certified under the LAW.
11. In the past 5 years, Respondent has two civil penalties/violations involving **3 DEL.C.**, Chapter 12, and/or the Delaware Pesticide Rules and Regulations: 3 *Del. C.* §1224(b)(1) and 3 *Del. C.* §1224(c)(2) and 3 *Del. C.* §1224(a)(1).